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## The Independant Counsel Statute Law Faculty Speaks Out

By Cheryl Demma  
Managing Editor

Students and Alumnus crowded the Great Room at the Jacob Burns Law Library on Saturday morning to hear Professors Jerome Barron, Mary Cheh, Peter Raven-Hansen, and Stephen Saltzburg talk about the Independent Counsel Statute. Dean Roger Transgrud moderated the panel.

The faculty panel was part of the Law School's Alumni Reunion Weekend, and was open to anyone who wished to attend. Dean Michael Young gave the opening address, and welcomed the alumni and the panelists.

Professor Raven-Hansen, who spoke first, commented about special prosecutors in the past, and the history of special prosecution leading to the enactment of the Independent Counsel Statute in 1978.

Raven-Hansen spoke of the first special prosecutor, John Henderson, whom President Ulysses S. Grant appointed to investigate a whiskey ring scandal. Grant eventually fired Henderson for being too aggressive. Since Henderson, special prosecutors have been appointed by President's Teddy Roosevelt (in 1902), Coolidge (in 1924), and Truman (in 1952).

The most famous of the special prosecutors were appointed during the Watergate era. President Carter also appointed a special prosecutor to investigate "Peanutgate."

Most recently, Attorney General Janet Reno appointed Robert Fiske, Jr., who was Kenneth Starr's predecessor. Reno appointed Fiske during the time be-

tween an expiration of the Independent Counsel Statute and its most recent re-enactment. The statute has a built-in five year self-

cial prosecutors.

Second, the federal government has methods of dealing with independent investigations without an Independent Counsel Stat-



Professor Raven-Hansen



Professor Cheh



Professor Barron



Professor Saltzburg

destruct provision.

Professor Raven-Hansen closed his part of the discussion by recounting four lessons from the history of special prosecutors.

The first lesson is that the appearance of an abuse of power at a high level has lead to agitation in the Congress. This, in turn, has lead to the appointment of spe-

ute.

The third lesson is that when special prosecutors have been left to do their investigations, and not removed from their appointments; they have been able to get their job done, within 2-4 years, and with the full coopera-

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## Air Conditioning Leak Causes Discomfort

By David Hale  
News Editor

A gasket in the air conditioning system failed September 12, soaking room L401 and leaving a trail of water going down to the basement.

"The water came out of the ceiling and down the wall of L401, where it collected in the hall. Eventually, it got over to the stairwell, and ran four floors down to the basement," Thomas Morrison, Dean for Alumni and Administrative Affairs said.

A security guard noticed the problem on Saturday and called the emergency building maintenance number. The building maintenance people quickly arrived and shut off the pipe feeding the leaking gasket. To repair the system, they had to shut down the entire air conditioning system.

The gasket, part of the chilled water system in the roof-mounted air conditioning system, was replaced on Monday. By that time, however, the cleanup had already begun.

Housekeeping crews came in on Sunday to begin the process of airing out both L401 and the stairwells affected by the water.

"I think they handled the whole thing very efficiently, given the timing and the difficulties with the weather," Dean Morrison said. The hot, humid temperatures outside made evaporating the water out of the carpets more difficult.

Not everyone was pleased with the speed of the cleanup, however.

"I thought it was outrageous that there was still standing water in some of the seats after almost a week of classes," 3L Chris Lang said. "The smell of the mold was really overwhelming in the back of the room."

"Haven't they heard of a ShopVac?" Lang asked.

While there are lockers along the wall under the leak and water flooded the ground all around them, the administration has not received any complaints about damage to student belongings.

The administration did report some complaints about the smell in L401 on Tuesday and Wednesday.

"A lot of the smell was from the disinfectant that was applied several times over the week to combat the mold," Dean Morrison said.

The effort seems to have been successful. The carpets were tacked back down on the 19th.

"We should be past the risk of mold now," Dean Morrison said.

The gasket leak also caused the air conditioning to be shut down for part of the week. According to the administration it was repaired on the Monday following the leak.

"It was still hot in 401 this week, so I don't think they've got it quite right yet," Lang said.

## SIPLA Members Disappointed With New Policy Lottery System Used for Giles Rich Inn at Courts Seats

By Alexandra Hill

The five GW seats at the prestigious Giles Rich Inn at Courts are no longer being distributed on a merit based criteria by SIPLA—they are to be distributed by lottery instead. As a consequence, a major benefit to holding an executive office on SIPLA (the GW Student Intellectual Property Law Association) is gone, along with it much of the incentive to participate as an officer in the organization.

Membership to the elite Inn at Courts is bestowed upon the leading IP practitioners in the metropolitan area, meeting once a month for dinner. GW is given five memberships, coveted as an invaluable opportunity for students to mingle in the DC IP job market. Given the nature of the Rich Inn of Court, SIPLA was put in charge of allocating the seats.

This July, Julie Stein, the new SIPLA President, received a call from the Inn at

Courts informing her that two seats were open. Stein claimed one for herself and gave one to a non-officer SIPLA member, without consultation with the SIPLA executive board or benefit of any formalized application/selection process.

Ingrid Hickman, the Vice-President of SIPLA, filed a written grievance with Dean Lord. Hickman also sent an email to her fellow member of the executive staff detailing her reservations. In this document, Hickman stated, "As an executive board member, my concern lies with 1) the arbitrary and capricious manner in which the decision was made for appointment to the Inns of Court, a highly esteemed organization, and 2) with Ms. Stein's decision to grant herself the unlimited authority of placing herself and another current non-executive board member on the Roundtable."

Hickman went on to state, "When I was elected as Vice-President for this academic year, I expected, in the course of tra-

dition, to be nominated for one of the seats." Tradition would dictate either this possibility or an application process where Hickman and other SIPLA members would be eligible to apply.

For the past five years, the SIPLA President, and a variety of other officers have been awarded a Junior Associate membership to the Giles Rich Inn at Courts. Inevitably, not everyone has been happy with the distribution of the spots.

"A sense of grievance will often arise when student officers distribute benefits for other students," said Professor Jay Thomas, the unofficial faculty sponsor.

A variety of selection methods have been used over the years. In 1997, for instance, Professor Thomas teamed with the SIPLA President to accept and review applications. Five years ago, when SIPLA first received these student memberships, the

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# Clocks

## We want our six minutes back

By David R. Hale  
News Editor

These are the times that try men's souls.

The clock problem should be funny. But it isn't. It is a story of a faculty at war with itself and an administration apparently powerless to stop it.

The clocks in the main building are roughly six minutes slow. All of them. They are all the same. While this is a minor inconvenience, circumstances have contrived to make it much worse: some professors have decided to go by their watches, while others go by the clocks on the wall. There are even rumors of an email battle over the correct procedure. The casualties in this battle, however, are the students.

If one professor who goes by the wall clocks runs over two minutes, and one who goes by her watch that is a couple minutes fast, it is impossible to get to the next class on time. It can't be done.

It is easy to anticipate the response of the administration: students should know better than to schedule classes back to back. Unfortunately, upper level students often do not have the luxury of scheduling an hour of waste time between classes as the administration does so thoughtfully for 1L's. Some find that an stray hour is completely useless. Others have classes that they need to take that have been scheduled next to another. Still others work, sometimes for firms, but also in internships. While students scheduling hour breaks between classes may ultimately be the only possible solution to the "lost six minutes" problem, it is likely to be unpopular with many of those who pay, rather than are paid, to be a part of this school.

There are other potential solutions. The first, most obvious, but apparently most difficult answer would be to set all the clocks to the correct time. While obvious, it suffers the severe disadvantage of being sensible, and therefore must be rejected. The second would be to have all the professors go by the clocks on the walls. While this would make the school out of sync with the rest of the world, at least it would be in sync with itself. Again, entirely too sensible. This leaves having the professors start by their own watches. This plan has the advantage of being able to inject the most possible chaos into the system, since then no one except the professor can tell when a class will begin.

There are clocks on the walls for a reason. They keep the school in time with itself. They allow hundreds of people to all arrive where they are supposed to be when they are supposed to be there. The six minute problem fouls up that process, but the current solution, having half the professors go by the clocks and the others go by their watches, simply creates chaos.

It is unacceptable that thousands of people (counting both students and staff) are inconvenienced because the administration can not pin down who it is that can fix the clocks and make him do it.

The time is now.

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HOUSE  
EDITORIAL

## FACULTY

### FROM PG 1

tion of the Justice Department.

Fourth, the president's ultimate control of special prosecutors has led to compromised investigations. Three out of the nine past special prosecutors have been removed by a president.

Professor Barron spoke next, focusing on the only Supreme Court case dealing with the Independent Counsel Statute, *Morrison v. Olson*. In this case, which was brought by Independent Counsel and GW Law Alumni Alexia Morrison, the Supreme Court

### *The Independant Counsel has become a political opposition to whoever happens to be in the White House.*

upheld the Independent Counsel Statute. The court rejected three Constitutional challenges to the statute.

Barron also spoke of the post-Watergate rational: that there must be some way to investigate wrongdoing in the White House. Before the Independent Counsel Statute, the ways of dealing with wrongdoings were impeachment and the ballot box. Now, because of *Morrison*, we also have the office of the Independent Counsel.

Professor Cheh spoke about critiques of the current law. The broadest critique is that the law should be allowed to lapse at

the end of its current five-year reenactment (which would happen in 1999). Proponents of this view believe that the Independent Counsel Statute distorts separation of powers and is fundamentally unfair to those who are being investigated. Given the amount of time and money given to the Independent Counsel, they have every reason to come up with something against someone.

Those who want a radical reform of the whole system suggest that a permanent office of independent counsel be housed in the Justice Department. Another view focuses on keeping the statute, but making some changes. Changes in the triggering provision of the statute (when the investigation goes forward), the jurisdiction of the statute (who and what crimes are covered), the selection of the counsel, and the conduct of the investigation have all been suggested.

Professor Cheh concluded by saying that: "At every turn in the statute there are problems, problems so severe that reformation has to give way to simply allowing the statute to lapse."

Professor Saltzburg spoke last on the American Bar Association and the Independent Counsel Statute. The ABA position will probably be that the statute should lapse, though it originally supported the statute during the Watergate investigations.

However, the statute has led to people being treated badly. According to Saltzburg, it has become "a political opposition to whoever happens to be in the White House."

Before opening the panel up to a question and answer session, Dean Transgrud reminded the audience of the familiar saying "Great cases make bad law." He concluded by asking, "Can great scandals make bad law?"

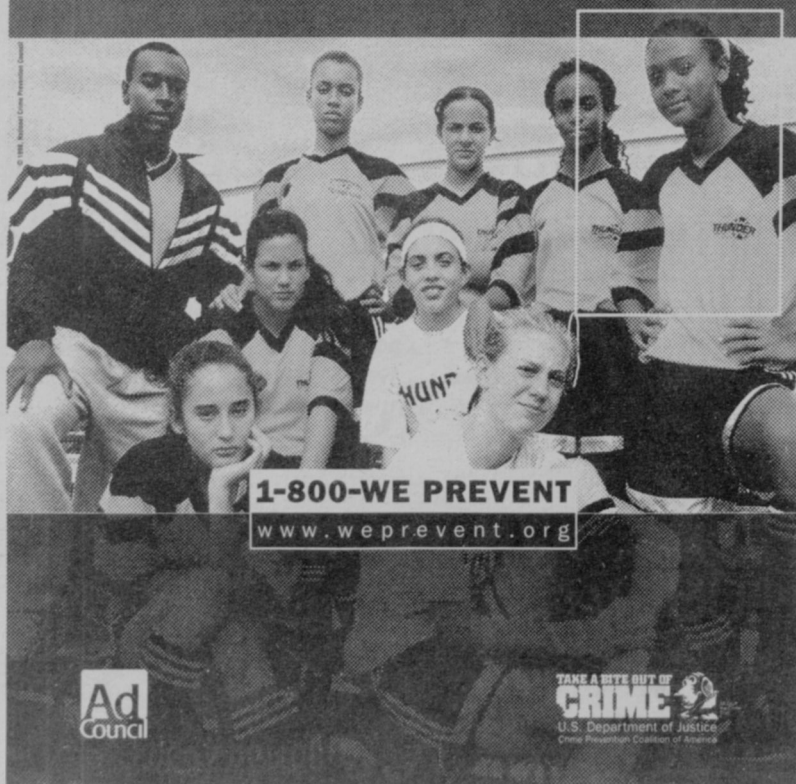
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## Moot Court Board

### Fall 1998 Schedule

#### Van Vleck Constitutional Law Moot Court Competition

#### Oral Arguments

First Round: November 7

Semi-Finals: November 22

#### Giles S. Rich Intellectual Property Law Moot Court Competition

Oral Arguments: November 21

Questions?  
Call the Moot Court Board  
Office at

202-997-7070

# THE VIEW FROM HERE

By Dean John F. Lord



In my last several columns I have focused on lofty civic issues such as volunteerism and community dysfunction. This week, I'll change the pace and discuss an idea perhaps less lofty yet no less important -- student involvement in co-curricular activities. In my next column, I'll focus on making time to find the sparklings of primary colors in the otherwise flannel-grey confines of downtown Washington.

I met last Tuesday evening with the members of this year's Moot Court Board. In the spirit of giving credit where credit is due, permit me here to extend kudos to Ms. Janet Shih and her first-rate administrative team. Clearly, this is going to be an exciting and enriching year for the Moot Court Board and many other student organizations.

As you probably know, George Washington Law School is nationally recognized as a "Moot Court Powerhouse"; this historical legacy only improves, like a good wine, over time. In addition, the extensive skills course offerings at GW provide an opportunity to master "hands on" the fine points of advocacy and litigation techniques that can be matched at precious few, if any, other American law schools. While most of us will spend only a small portion of our careers actually arguing cases in front of judges or juries, it is an essential tenet of lawyering that we be able to zealously represent a client as needed when negotiation has failed or administrative remedies have been exhausted. In this sense, your involvement in skills training is akin to girding for battle. Winston Churchill, during his Boer War adventures, said "There is nothing so exhilarating as being shot at without result". The recently deceased quintessential New York gadfly/bicyclist/journalist Murray Kempton stated similarly, of his wartime adventures in the Philippines that "After one has been ambushed, it is impossible ever again to take oneself seriously."

Am I comparing trial or appellate litigation to all-out warfare? The answer is no, but, in these days of an oft-remarked upon decrease in the civility of discourse among attorneys, there are times in every career when the practice of law can resemble trench warfare.

The "speedy trial" doctrine can serve to benefit law students as much (if not more in some cases) as it does languishing defendants. Each jurisdiction sets its own regulations to determine what does and does not constitute an impairment of an accused's positive right to be timely prosecuted for charged offenses. This translates into a daily prioritization responsibility for the supervising attorney in every American prosecutor's office. Each morning, as the first pot of coffee makes its way through the system, decisions must be made about which matters, having been put off until time has very nearly lapsed, must be either dismissed or finally taken before a trier of fact. Further, there is not a prosecutor's office in the country which claims to be sufficiently staffed. This translates into the quotidian necessity of making critical decisions as to which cases will have to be dismissed for lack of timely prosecution, and which of those at the end of the statutory continuum will go forward that day. In my own first experiences with courtroom drama, these "sixtieth day cases" (as they were called in the Los Angeles County District Attorney's Office where I was interning in '84 after my second year of law studies) provided rich fodder for training a small class of neophytes like myself. Early each work day I would present myself in the spartan office of D.A. Dino Fulgoni, a charming yet truculent bantamweight warrior of the law. He'd say, "Sit down kid. I got a story to tell you". I would make myself as comfortable as I could in the presence of a living legend (among his other many other claims to fame, Mr. Fulgoni had successfully prosecuted Patty Hearst for her comic turn as a latter-day member of the Symbionese Liberation Army) and I would scribble furiously as Dino reeled off what was inevitably a litany of dubious circumstantial evidence and a grisly set of facts. The L.A.D.A.'s office was especially busy during the '84 Olympics -- as is the case whenever an international event of that sort is held, professional pickpockets, hucksters, wiseguys, and assorted other felons descended like vultures upon the scene, each knowing that, if he was unlucky enough to be caught in the process of liberating some unwitting foreign visitor of her assets, there was very little likelihood that he would stand trial for the crime. Consider the competing interests: a fellow is colared after lifting a wallet or yanking a gold chain from the

neck of say, a Fijian national at the steeplechase event. After a brief tussle he is arrested, and made to feel at home in the confines of the Pasadena city lockup. The arresting officer creates an affidavit supporting the charges, and our affiant returns to the sports venue in search of others of the arrested's ilk. Following the Game's closing ceremonies, the traumatized tourist returns to the relative safety of her home in Suva, on the island of Viti Levu. The felon in residence at the Pasadena lockup (probably more of an expert in the intricacies of criminal law than most civil attorneys) knows that his constitutional right to confront his accuser will require the governor to pick up the tab for a flight back from Austronesia so that the victim may testify. Naturally, the state comptroller is loathe to spend thousands of tax dollars to transport witnesses and victims halfway around the planet in order to prosecute what, unfortunately in the grand scheme of things, is a minor offense. At the same time, the local lowlifes who have been plying their trade in that jurisdiction since long before the commencement of the events which have brought both the tourists and peripatetic criminals to town do not extend to their extraterritorial colleagues the professional courtesy of refraining from their own profiteering during the gala period. As a result of this necessary cost-benefit analysis, and despite sufficient evidence to convict, the defendant is admonished to change his ways, encouraged to make inculpatory statements about his criminal compères, and permitted to go free. This is what is known as "rough justice."

This is where the rookies come in. When the statutory period which articulates the constraints of a "speedy trial" has nearly lapsed, the supervising D.A. has two choices: Send in a tenderfoot and hope for the best, or let the matter go. And so, in courtrooms across America, students with barely two years of law school under their belts are regularly offered the opportunity, after having had a full half-hour to peruse the file and track down recalcitrant witnesses, to rise to their feet and shakily proclaim "The People are ready to proceed". In most such cases, even where a defendant is successfully prosecuted, he receives little more jail time, if any, than would have attached had a plea agreement been earlier struck. The clear winner in such situations is the wannabe - litigator law student, who gets to cut her teeth on shaky cases without the benefit of any meaningful preparation. Take it from me -- it is a humbling and terrifying experience. And one I wouldn't have missed for the world.

I have no doubt but that my own active participation in Moot Court during law school prepared me better for that trial by fire than any recitation of last-minute admonitions from the junior trial attorney 'officially' assigned to the case. Simply put, Moot Court is the most educational fun one can have in law school. (Of course, fun in this context is a relative term). My own mentor during this time, and the man who made it possible for me to work for the prosecution that summer, was himself a successful criminal defense attorney who had begun his career as a prosecutor. Less than a month after passing the bar he found himself cross-examining semicomatose defense witnesses in the Manson trial. (I recognize that for many of you the Symbionese Liberation Army and the Manson trial are, at best, vague recollections of early childhood; however, they are among the most fascinating and celebrated criminal cases of this half of the century, the O.J. and Marv Albert debacles notwithstanding. Find the time to go online or into the stacks and learn the stories behind these cases.)

And so Mr. Fulgoni would unravel the gory details. He would tell me about the hair, say, found on a bar of soap in the victim's bathtub which appeared to match up with the defendant's own. (This was before DNA testing was accepted by the courts as a 'generally reliable scientific method.'). I would then scurry about the littered hallways, looking for the arresting officer or follow-up detective, who could usually be found cooling his heels in the officers' waiting room. Lazy cops enjoyed accruing overtime pay waiting around to testify in cases that might never proceed; good cops inevitably, and often rightfully, were incensed by what they considered the judicial branch's inability to perform its role in following through on the arrests that these fine officers often risked their lives in making.

And, of course, there is no parallel "speedy trial" rule

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## LAW SCHOOL NEWS

News From  
the Military  
Law Society

By Heather J. Fish

On Tuesday, September 15, 1998, The George Washington University Law School Military Law Society held its first meeting. The club is comprised of members from the Armed Forces and civilians. MLS was founded by Jerry Stevenson, Class of 1997, in the hopes of bringing together students with a military background, ROTC or prior service, and those interested in pursuing careers in military law.

This year, the Officers of the Military Law Society want to expand the direction of the group to encompass National Security issues in addition to military law.

Besides on campus speakers and social gatherings (MLS HAPPY HOUR – OCTOBER 7, 1998 AT FROGGY BOTTOM 6-??), MLS is involved with the Judge Advocate Association Inn of Court. The Inn meets for dinner once a month at Bolling AFB Officers Club. After dinner, there is an hour and a half of litigation training. Training focuses on federal trial court and appellate litigation.

Some of the topics for this upcoming year are Ethics, Mediation, and Demonstrative Evidence. You do NOT have to be a member of the military to join. Law students are encouraged to join and actively participate in the training discussions. Members who attended the dinners last year found them to be invaluable experiences! For more information, leave a note for Heather Fish, 2L Day.

Keep an eye out for posters and notices on the electronic message board for upcoming MLS events. In the mean time, if you want more information, drop a note for any of the officers with your name, year, and e-mail address: President: Joe Bianco (2L Day), VP: Mike McCullough (2L Day), Secretary: Heather Fish (2L Day), Treasurer: Martin Cruz (2L Day), and Member at Large: Noah Malgeri (2L Day).

Planning on Pursuing a Public  
Interest Job Next Summer?

CDO offers helpful hints, timeline

By Andrea Lurie Walker  
CDO Career Consultant,  
Public Interest Liason

"What should I be doing?" This seems to be a common question for students pursuing a job in any area beyond the large law firm as they witness their classmates scrambling through the fall interviewing program. For students wishing to pursue public interest work, the job search timeline is much different than for the large firm. So, for now, don't worry about whether to wear the navy or the grey wool and instead focus on your public interest options.

Before presenting a general public interest fall semester time-line, here are a few tips on public interest job searches:

**Join the CDO public interest listserv.** Job listings, fellowship information, public interest job search tips, and event information are posted regularly. To subscribe, send an e-mail message to [majser@main.nlc.gwu.edu](mailto:majser@main.nlc.gwu.edu). Leave the subject line blank and in the message body, put: SUBSCRIBE PUBINT. It is that easy.

**Get to know me.** If I talk with you and find out your interests, I will drop you an e-mail or stick a note in your box when I see a career option for you to pursue. My e-mail is [andrea@cdo.nlc.gwu.edu](mailto:andrea@cdo.nlc.gwu.edu).

**Get to know people doing what you want to do, NOW!** Where is your dream job? Who is doing it? Find those people (I can show you how) and talk to them without asking them for a job. Show them what you have done, ask them what else you should do. Talk to them before you need them so that when you do need them for job assistance, you will feel more comfortable asking.

**The Fall Semester Public Interest Summer Job Search Time-line for Full-time and Summer positions:**

**September/October**

-Begin to think about what type of

public interest position you wish to obtain and formulate your career goals.

-Explore various campus groups (i.e. Equal Justice Foundation, Environmental Law Association, Amnesty International Legal Support Group) and other opportunities such as the school's clinical programs (office is on 2<sup>nd</sup> floor, 2000 G Street).

-For 3Ls, apply for fellowships (NAPIL and Skadden have early deadlines!). Finalize your fellowship project with your sponsoring organization and review sample applications in the CDO to prepare. Visit the CDO to research other fellowship opportunities. Review the sample applications from previous GW applicants.

**Questions? Contact Andrea,  
the CDO Public Interest  
Liason, at:  
[andrea@cdo.nlc.gwu.edu](mailto:andrea@cdo.nlc.gwu.edu)**

**November**

-Go to the NAPIL (National Association of Public Interest Law) Career Fair on November 6-7, 1998 at University of Maryland at College Park. The metro (green line) will get you there and a shuttle is provided to the campus. Employers from all over the country come to interview students and host "table talk," where students can meet informally to speak with employers from various government and public interest agencies. The career fair is free for GWU Law students and offers a terrific opportunity to identify and speak with public interest employers. Students must register and pay a fee to interview on Saturday. You may choose to volunteer at the fair and waive the fee. Contact NAPIL at 202-466-3686 to volunteer. To register, pick up materials today in the CDO Resource Library.

-Meet with a career consultant in the Career Development Office to design a re-

sume that is appealing to public interest employers.

-Access Pro Bono Students of America's (PBSA) website (<http://www.pbsa.org>). This is an extremely easy way to identify employers and valuable internship opportunities.

**December**

-Identify potential public interest employers. Good ways to do this are to look at the directories in the CDO Resource library (i.e., *Harvard Law School's Public Interest Job Search Guide*, *NAPIL Directory of Public Interest Legal Internships*, *The University of Chicago's Law School Public Interest Employer Directory*, *Public Service and International Law*), check internet sites (i.e., University of Michigan's website: <http://www.law.umich.edu>; Essential Home Page: <http://www.essential.org/>).

-Contact employers early on asking for information about their organizations. Right now, you are not asking for a job, but are just developing contacts. Express an interest in the work that they do and leave your resume. Remain contact during the semester, even if you do not need anything. Then, when a position does become available, they are more likely to remember you.

-Continue to check PBSA's website for incoming internship opportunities. The site is updated daily.

-Talk to a CDO career consultant for further assistance in identifying employers and narrowing public interest career options. Arrange to conduct informational interviews or attend networking events over winter break.

Most importantly, know that you are not alone in the public interest job search and that it requires much different skills and timing than that of a large firm job search. Feel free to make an appointment with me or e-mail to explore this area. Stay tuned for the Spring Semester Public Interest Job Search Time-Line in another article.

*Did you have a  
public interest job?*

THE PUBLIC INTEREST STUDENT/  
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PUBLIC INTEREST JOBS.

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BROWN'S BOX (2L) WITH YOUR  
CONTACT INFORMATION AS WELL  
AS A BRIEF DESCRIPTION OF  
WHAT JOB YOU HELD.

Candidates for 1L  
Section RepresentativesSection 11

Steven Kameny  
Jamie Pizzirusso

Section 12

Robyn Herman  
Richard Reiter

Section 20

Sean Grygiel  
Jonathon Neerman  
Linda Stein

Section 13

Caroline Lewis  
Courtney Mcbean  
Joanne Vella  
Keith Corso Wilson

Section 14

Omolade Akinbolaji  
Jeff Foor  
Lawrence Lee  
Shannon Weinberg

**Good Luck to all the Candidates!!**



## LAW SCHOOL NEWS

## Law School News Briefs

## Expanded CDO Services

To provide additional services to students, the Career Development Office has added four new telephones within the law school community for students to make career-related calls while on campus. Two phones are now available from 8a.m. to 6p.m. five days a week in Burns Rooms 302H & I. Two additional phones have been installed in the Career Resource Library (CRL), located in Suite 102 at 2000 G Street.

These phones are available during library hours: Monday, Wednesday and Friday, 9-5 and Tuesday and Thursday, 9-7 and Saturdays, 10-2. Local calls are free of charge by dialing "9" and the telephone number. To place long-distance calls, dial "9" and your credit card company's access number. These phones are in addition to the phone room located in the lower level of the H building across from the main CDO Suite. When using these phones, please be courteous of your fellow students and limit your calls to 15 minutes.

For questions or additional information, please contact the CDO at (202) 994-7340.

## ATLA Gives Helpful Hints For the Courtroom

On Saturday, September 26, 1998, the Association of Trial Lawyers of America (ATLA) presented a free four hour conference, "From Classroom to Courtroom: Trial Techniques for the New Lawyer." About sixty GW law

students took advantage of this unique opportunity, which took place in the Moot Court Room.

Three trial attorneys shared their courtroom strategies with regards to depositions, demonstrative evidence, impeaching witnesses, and summation.

Many of the students who attended are competing in the Trial Court Competition and/or one of the Moot Court competitions. GW Law student Stephen ImMasche stated: "This program will be very helpful for the trial competition. There was something there that everyone could pick up on, especially in the impeachment of witness and summation sections."

Barry Nace spoke about impeaching witnesses with style and giving stunning summations. Though he assumed that the students had a good deal of experience, his "larger than life" presence was very effective in conveying his expertise.

Another student who attended commented: "The strongest part of the program was the section on how to make the most out of depositions. The speaker really knew he was talking to students."

The program placed a strong emphasis on ATLA membership and all the benefits that come with being a member. Students who wish to join ATLA may do so for only \$25. For this price students will receive ATLA publications, mentor program opportunities, seminars, and many more benefits. Scholarship opportunities may also be available to members.

Students who are interested should call 1-800-424-2727, extension 290, or 202-965-3500, extension 290. Memberships are good for one year.

## SIPLA FROM PG 1

five members of the SIPLA board were honored. Then, when a student graduated, or otherwise gave up his or her Inn at Court seat, the seat was redistributed at the discretion of the SIPLA board. The SIPLA President has always been rewarded with a seat, and occasionally other officers or other SIPLA members.

Amid this controversy, Professor Tho-

mas contacted the Inn at Courts, who gave GW a temporary additional seat hoping to defuse the problem. Coupled with another seat recently vacated, this has left four seats open.

At this point, the SIPLA executive board met and voted to change the policy permanently to a random drawing open to all GW students with the exception of 1Ls. The board did not vote upon Stein and her

appointee retaining two seats. Without discussion, those seats were simply kept out of the random drawing.

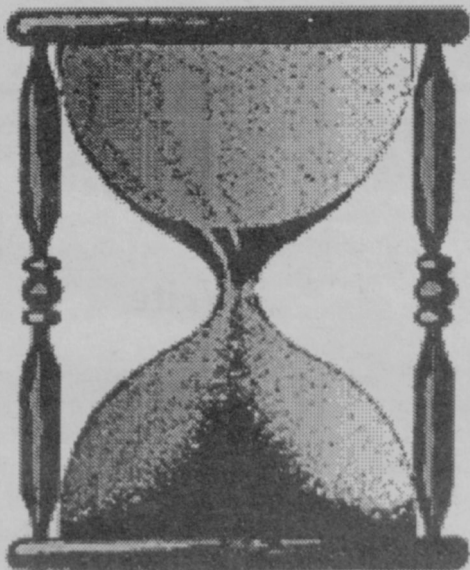
When questioned about the incident, Dean Lord stated: "Who is chosen is far less important than the use of the democratic process that showed that the students had leadership skills and used them."

The final two seats were drawn during the September 22<sup>nd</sup> meeting.

## STUDENT GROUPS!

Let Nota Bene work for you.

Advertise your meetings in our upcoming issues!



Time is Running Out!

Write for Nota Bene

Deadline for next issue is  
October 7, 1998

3:00 p.m.

For more information contact  
Andrea Chempinski (3L Day)

Editorials\*News Articles\*Features\*Clinics\*Student Organizations

3Ls

Share Your Wisdom!!

Are you a Deans Fellow?

Do you do humanitarian work?

Are you taking a clinic?

Did you have a cool summer job?

The *Nota Bene* is interested in profiling 3Ls to share their experiences with the law school community.

Students interested in being profiled should leave their name and contact information with David Hale (3L Day).

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GW law students  
for over  
12 years!



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## FEATURES

# Misadventures of a Poker Playing Law Student

### Rounders

Meet Will Hunting. Sure the name's different, and he's not that good at physics, but it's all the same. Mike McDermott is a law student who's really, really good at poker (I suppose all law students should be good at something other than self-aggrandizement). His best friend Worm just got out of prison but still owes money to bad people. People who like to hurt. People named Granma. After losing everything in a match with the dastardly Teddy KGB, he has since foregone the game, much as a favor to his girlfriend. But now he must go back and risk losing everything in order to help his friend.

"America's Golden Boy" Matt Damon (not to be confused with "America's Golden Boy" Leonardo DiCaprio) makes a grand leap from playing Will Hunting to being Mike. There is definitely a difference in characterization. Mike is all too willing to utilize his gift whereas Will is a reluctant hero. The role calls for some self sacrifice, as Mike accepts Worm's debts, taking the risk of brutal punishment upon himself. He's a genial, confident card player. Someone you could hang out with. Matt Damon has potential to become a great actor, but I would definitely like to see him compose another screenplay (maybe this could finally get Ben Affleck, not one of my personal favorites, off the screen).

Not so Worm. Edward Norton disappears into the role of this compulsive user who is willing to sacrifice his friends in order to protect himself. Norton continues to impress me by playing very different characters in each role and excelling at all of them. I can't wait to see what he will

do in *American History X* as an incredibly buff neo-Nazi skinhead who tries to reform.

The supporting cast ranges from remarkable to under used to utterly unnecessary. John Malkovich is nearly unrecognizable, and fabulous, as Teddy KGB, an Oreo eating poker master connected with the Russian Mob (again, the villains of the 90s) who now controls Worm's debts. John Turturro brings an earthy humanity to his role of Joey Knish, a working class player who serves as Mike's guiding voice. Martin Landau, as Mike's law professor mentor, and Famke Janssen, the caring femme fatale Petra, especially the latter, are wasted. Petra is the woman Mike should be with. She's sultry and down-to-earth. Which brings us to Gretchen Mol, *Vanity Fair*'s latest "It Girl" (not to be confused with "America's Golden Boy" Leonardo DiCaprio). To me, she's just a two-bit Ashley Judd. She does nothing with a nothing role.

The movie itself attempts to bring us into the scummy underworld of the New York poker scene. The conversations are snappy, though there's lots of slang dropped throughout the dialogue. Whereas they should be exciting and interesting, the actual poker scenes, especially the critical last one, sometimes come off as dull. John

Dahl, who directed the absolutely wonderful *Last Seduction*, could learn a few lessons from *Searching for Bobby Fisher*, which made chess fascinating to watch. The story becomes pretty hokey at times, and the entire Mike as law student story line is only an afterthought (though it does provide the opportunity to pigeonhole law students as glory hounds interested only in pining themselves look better. We all know that's false, right?). The performances are what make this a film to see. Grade: B+

### What Dreams May Come

Chris Nielsen has died in a car crash. So have his children. His wife, Annie, kills herself years later. And this is a love story. A rather good one, too. Chris, realizing that eternity is nothing without his soulmate, must venture into the depths of Hell, where Annie's suicide has

taken her, to bring the two souls together. Once you get past the excessive new agey "Heaven is what our minds make it," the film is a beautiful testament to true love, with breathtaking visuals and wonderful acting.

Robin Williams continues to display his versatility by playing the romantic lead. Chris is a compassionate, soulful man who refuses to give up in his pursuit of the one he loves. Williams's face and eyes capture the passion of a man willing to put his own eternity on the line for love. While there is some humor, Williams continues to impress with his straight acting ability. He is certainly without peer in the stand-up as actor category, with the possible exception of Steve Martin.

Cuba Gooding, Jr., continues to show why he is one of America's great young actors as Albert, Chris's guide to the afterlife who may be more

than he seems. In a brief role, Max von Sydow is pretty cool as The Tracker, who leads Chris into the depths of Hell.

The visuals are pretty darn impressive, though sometimes to the point of distraction. Heaven is a world straight out of *Time Bandits*, with great halls, marble buildings, and high bookshelves. Hell is a burning sea of shipwrecks. There's even some comedy relief in Hell as Chris must cross a great field of faces, who are not happy with being stepped upon.

The Scientology approach to Heaven gets a little in the way of the story, though not enough to prevent any belief in the love of the characters. Williams and Annabelle Sciorra show great chemistry as romantic partners who may be destined to spend forever together. Hell is where your own reality has so taken over your thinking, that you cannot accept Heaven as a way of being. I also had a major problem with a semi-major subplot that just did not work, but since I don't want to give away any of the important plot, you'll just have to ask me in person. Suffice it to say that characters did not act the way that they should have. Once these problems are gotten past, what you have is a tremendous love story. Grade: A-

## Cinematic Ramblings



By Travis Skaggs  
Features Editor

## Life on the Web...

By Andrea Chempinski  
Editor-in-Chief

This weeks picks:

The Official Patrick Rafter Supporter's Club  
<http://www.geocities.com/Colosseum/Field/1204>

The 1998 US Open Men's Champion

Lindsay Davenport

<http://www.angelfire.com/ca/lindsaydavenport/index.html>

The 1998 US Open Women's Champion

Mark McGwire

<http://www.mcswire.org>

Sammy Sosa

<http://www.samsosa.com/>

They're tied at 65 (at least as of this writing), but Sammy's got a better website.

Cal Ripkin

<http://www.2131.com/>

Now there's a great record

Adam's ER Page

<http://members.aol.com/Head26/index.htm>

Celebrating the kick-off of the new season.

Roller Coasters: Inventing the Scream Machine

<http://coasters.eb.com/>

Take an up and down ride through their history.

Amusement Park Physics

<http://www.learner.org/exhibits/parkphysics/>

Have something to talk about while waiting in line.

Head Hunting Gallery

<http://www.head-hunter.com/>

If these head hunters come calling, best not to be home.

The South Pole

<http://www.southpole.com/>

News from down under, waaaaay down under.

Do you have a web page that you think others would find interesting? Or did you just stumble across something so strange it just had to be shared? Either way, feel free to drop me a line at [hoo@hoolooovoo.com](mailto:hoo@hoolooovoo.com) and give me your suggestions for future columns. And heck if you really have that much time to kill surf on over to my page at <http://www.hoolooovoo.com/>

## Upcoming Events

September 28: 8pm in L201

SIPLA Career Forum #2

Pennie & Edmonds and

Sughrue, Mion, Zinn, Macpeak & Seas

November 6-7: University of Maryland, College Park

NAPIL Public Interest Conference,

Career Fair & Awards Dinner

\$\$\$\$\$

Write

For

NOTA BENE

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## FEATURES

## LORD FROM PG 2

for civil cases -- in many jurisdictions, the delay between the filing of a civil matter and its actual review by the courts can be as long as five or six years. Memories fade; witnesses pass away; the passage of time can undermine even the most seasoned litigator's ability to make a compelling case to a jury in such situations. But, still, if you wander the halls of Superior Court on any given day, you'll find in every courtroom multiple parties awaiting the opportunity to air their ancient grievances. To put a rosy spin on it, remember that no matter how long your matter has lingered on the inactive docket, your skills will have only increased in the meantime.

So get the training while you can. And steep yourself in the lore of the women and men who have earned their reputations as advocates for the aggrieved and defenders of the (actually often) guilty.

Read up on Jeremiah O'Leary, who in the last century argued more cases before the Supreme Court than any other attorney of his time. A diminutive little man, he spoke in a tone barely louder than a whisper, but it was commonly said that he "spoke just loud enough to be heard by a majority of the court." On another occasion, he began his argument to the Supreme Court by citing a taxonomy of secondary treatises, hornbooks, restatements, and even non-scholarly study tools. Early into this parochial diatribe, he was cut off by the exasperated Chief Justice, who exclaimed, "Surely, Mr. O'Leary, you credit us with at least a basic understanding of the relevant law" -- to which O'Leary straightfacedly replied, "with all due respect, Mr. Chief Justice, that is the mistake I made in the court below".

Oliver Wendell Holmes, Jr. is another splendid role model. Among the many capacities in which he served during a career spanning 70-odd years in the law, he was known as the "Young Man Of The Court" while he wrote his infamous Supreme Court

dissents well into his 90's. As I mentioned at first-year orientation (and as Professor Schechter has called to my attention at every opportunity since) Holmes analogized the process of learning the law to "akin to eating sawdust without butter" -- and so it can be. But it can also be a fascinating and inherently socializing experience. It is up to you to make of it what you will. So, learn, then, the stories of those who have brought American jurisprudence to its status quo: that is to say (unless you have a cholesterol problem), put butter on your sawdust.

As Holmes said in a letter to a young colleague as he neared the end of his own career, *"The test of an ideal, or rather of an idealist, is the power to hold one's ideal and get one's inward inspiration from it under difficulties. When one is comfortable and well off, it is easy to talk high talk. I remember just before the battle of Antietam thinking and perhaps saying to a brother officer, that it would be easy, after a comfortable breakfast, to come down the steps of one's house pulling on one's gloves and smoking a cigar, to get on to a horse and charge a battery up Beacon Street, while the ladies waved their handkerchiefs from a balcony. But the reality was to pass a night on the ground in the rain with your bowels out of order and then, after no particular breakfast, to wade a stream and attack the enemy. That is life. And so long as I am capable of my best, I want to put it into my work. A man's spiritual history is best told in what he does in his chosen line. Life having thrown me into the law, I must try to put my feelings of the infinite into that, to exhibit the detail with such hint of a vista as I can, to show in it the great line of the universal. This sounds a little pompous, but it truly expresses my desire and the way I felt when called on perhaps to construe some temporary statute, so that untying little knots never seems drudgery."*

Untying little knots: how one undoes them has everything to do with how they were constructed in the first place. You have probably heard from a number of your instructors over the years some variation of a

sentiment that I have repeated to many students with whom I have dealt after some professional error or lapse in judgement -- "better this should happen while you're paying us than when someone is paying you." Make your mistakes when no actual client's liberty or property interests are at stake. After all, one of the primary purposes of a first-rate professional training is to give students an opportunity to learn from their own errors. Indeed, for those of us engaged in the full-time endeavor of forming graduate students for their first positions in the professional world, few things can be more frustrating than having to observe (on a cyclical basis) as a new group of leaders makes the same missteps (or minor variations thereon) as the leaders of the year before, or the year before that. But it's essential that as administrators we remind ourselves regularly that no one (not even we) ever learned as much from the mistakes of others as we have from our own. If our sole goal as educational managers was to assure that our co-curricular organizations ran with the efficiency of a Swiss watch factory, we would simply impose our own institutional memories on each rising entering class. And this would be a great disservice.

Whether one is studying mathematics, sociology, language, or law, all academic endeavors are, at their beginning and their end, related to governance. There would be no point in attempting to master any of these disciplines if it were not our intention to put our knowledge to work in the manner in which we live our lives. In turn, how we decide to carve our individual destinies impacts inevitably and exponentially upon the day-to-day existence of our fellows. It is within the realm of student organizations that you are able to create your own laboratories for the exploration of the process by which theoretical information is calibrated against the touchstone of practical application. So it is essential and good that you make some (if not all) of the mistakes that we, and others before us, have already made. And it is imperative

that your guides appreciate the deft touch that must be applied as you work through the growth process of trial and error that is at the heart of student organization management. This having been said, we cannot expect every entering student who arrives on campus to have a full-blown notion of the shared vision of community that is at the heart of an academy of scholars. In this sense, the institutional memory of academic administrators, properly dispensed, is irreplaceable.

I'll close with a quote from the sixteenth century Spanish Jesuit Baltasar Gracian, who, during a lifetime of work and study, examined the importance of applying acquired knowledge to the physical world. (Jesuits are, after all, if nothing else, practical people.) He stated, *"Not everything should be speculation; you must also act. The wisest are easiest to deceive: they may know extraordinary things, but they know nothing of life's ordinary necessities. The contemplation of sublime things keeps them from lowly, easy ones, and because they don't know the first things about living -- an area where everyone else is so sharp -- they are either marveled over or considered ignorant by the superficial crowd. So let the wise have a touch of the practical, enough not to be deceived or mocked. Know how to get things done: it may not be the highest thing in life, but it is the most necessary. What good is knowledge if it isn't practical? These days true knowledge lies in knowing how to live."*

And so, whether your extracurricular interests in law school lead you to the fine points of parliamentary procedure in the running of SBA meetings, advocacy for a unique constituency such as SALSA, AIPLA, Lambda Law, or Moot Court, bring more than simply your fine mind to the endeavor. Deliver your heart and soul into it as well. The final quantum of your fully-engaged efforts to "untie little knots" will benefit your future clients far more profoundly than would be expected by a mere addition of the sum of their individual parts.

## Creativity Call... Didn't Make Law Review? Write for Law Revue!

By Miriam R. Moore

Law Revue, the law school's musical/comedy show, is looking for humorous skits and songs written by fellow law students.

The Law Revue Show is an annual performance, put on entirely by GW Law students. The show is asking for skits and songs that lampoon life at GW Law, or the legal profession in general. Submissions should be, at maximum, 6-7 minutes in performance length, and are due November 2. Scripts and lyrics should be submitted to Vanessa Hopgood, Executive Director, 3L day.

Due to Vanessa's blood oath to the SBA not to make this year's show longer than three hours, not all skits may be performed. In addition to the joy of watching their magnum opus performed on stage, writers will be rewarded with the sight of their name in tiny print in the program.

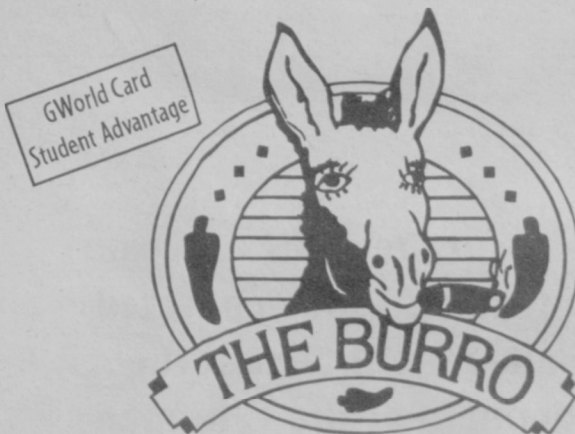
If you don't have the knack for writing, but have a sense of humor (and lack of dignity), and would like to have a part in Law Revue, auditions will be held January 6 and 7, 1999. No talent is required, and everyone who auditions will have a part in the show.

Nota Bene would like to apologize to Dean Lord for the errors in his column on September 14th. We were experiencing technical problems.

Faculty Members interested in writing for the *Nota Bene* should contact our office at:

(202) 676-3879

## Donkeys aren't just for Democrats anymore!



TASTE the DIFFERENCE

NEW! Baja Fish Tacos

Foggy Bottom  
2000 Pennsylvania Ave  
(rear courtyard)

Dupont Circle  
1621 Connecticut Ave  
(between Q & R)

Voted DC's #1 Best Bargain 2 years running! -Zagat Restaurant Survey '97 & '98



Completed surveys should be left in the *Nota Bene* mailbox in the Records Office no later than **8pm on Tuesday, October 6**. Results will appear in the October 12th issue.

**For the 2Ls, 3Ls and LLMS:**

Were you able to take all of the classes that you wanted to this semester?

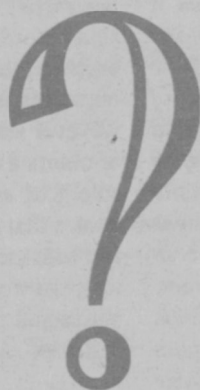
YES NO

If you answered no, why? (please choose one)

- A. Class times conflicted
- B. Exam times conflicted
- C. Class capacity was full
- D. Other reason (please explain)

Year: 2L 3L LLM

# NOTA BENE Survey



**For the 1Ls**

You've now made it through the first few weeks of class...

1. What class looks to be the worst this semester? (please choose one)

- A. Torts
- B. Contracts
- C. Criminal Law
- D. Civil Procedure

2. What class looks to be the best? (please choose one)

- A. Torts
- B. Contracts
- C. Criminal Law
- D. Civil Procedure

Section #: \_\_\_\_\_

## There's Still Time to Register For **AIDS Walk Washington** Sunday, October 4, 1998

**A 10K Fundraising Walkathon Benefiting Whitman-Walker Clinic**

### Three ways to register:

1. Fill out a postcard (located under the chalkboard or at the AIDS Walk table in the soft lounge) and give it to Eve Klindera (3L day) by Monday, September 28.
2. Register on-line at [www.wwc.org/aidswalk](http://www.wwc.org/aidswalk)
3. Call (202) 332-WALK

When you register, be sure to indicate Team #957, the GW Law team. Money collected from GW Law Walkers will benefit the Legal Services Department at the Whitman-Walker Clinic.

### Events for Walkers:

**Free Pizza and Banner Making**  
Monday, September 29  
7:00 p.m.  
Marvin Center, room 410

**Free Breakfast and T-Shirts**  
Sunday, October 4 (before the walk)  
10:30 a.m.  
On the Quad

**Sign-in for the AIDS Walk begins at 12:30 p.m. on the National Mall at 12th Street. The Walk begins at 2:00. If you have any questions, please contact Eve Klindera, 3L Day.**